

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

AXGINC CORPORATION,

Plaintiff,

— against —

PLAZA AUTOMALL, LTD.,

Defendant.

14-CV-4648 (ARR) (VMS)

Opinion & Order

**Not for electronic or print
publication**

ROSS, United States District Judge:

This Court has received the *sua sponte* Report and Recommendations, dated March 2, 2021, from the Honorable Vera M. Scanlon, United States Magistrate Judge, regarding plaintiff's motion for an order awarding money judgment for and turnover of funds that defendant and judgment debtor, Plaza Automall, Ltd., allegedly fraudulently conveyed to respondents, John Rosatti, Bay Ridge Hyundai, Ltd., Playa Motors of Brooklyn d/b/a Plaza Auto Mall and d/b/a Plaza Honda, Plaza Oldsmobile, Ltd. d/b/a Plaza Auto Mall and d/b/a Playa Toyota, Plaza Hyundai, Ltd. d/b/a Plaza Auto Mall, and Crystal Bay Imports, Ltd. d/b/a Plaza Auto Maill and d/b/a Acura of Brooklyn.

The Court reviews “de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b); *see also* *Brissett v. Manhattan & Bronx Surface Transit Operating Auth.*, No. 09-CV-874 (CBA) (LB), 2011 WL 1930682, at *1 (E.D.N.Y. May 19, 2011), *aff’d*, 472 F. App’x 73 (2d Cir. 2012) (summary order). But where no timely objections have been filed, “the district court need only satisfy itself that there is no clear error on the face of the record.” *Finley v. Trans Union, Experian, Equifax*, No. 17-CV-0371 (LDH) (LB), 2017 WL 4838764, at *1 (E.D.N.Y. Oct. 24, 2017) (quoting *Estate of Ellington ex rel. Ellington v. Harbrew Imports Ltd.*, 812 F. Supp. 2d 186,

189 (E.D.N.Y. 2011)). No objections have been filed and, having reviewed the record, I find no clear error. I therefore adopt the Report and Recommendations in its entirety as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Accordingly, I find that the court has personal jurisdiction over respondents and that plaintiff may bring its turnover motion against them pursuant to Fed. R. Civ. P. 69(a). However, for the reasons discussed in the Report and Recommendations, I deny plaintiff's motion, but I grant plaintiff leave to renew its motion within fifteen (15) days. Further, I stay vacatur of the restraining notices served against defendant and respondents until either (1) plaintiff's time to renew its motion has expired, in the event that plaintiff does not renew, or (2) plaintiff's renewed motion is decided, in the event that plaintiff does renew.

SO ORDERED.

_____/s/_____
Allyne R. Ross
United States District Judge

Dated: March 17, 2021
Brooklyn, New York